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December 22, 2021

VIA ECF

The Honorable Joseph F. Bianco
Visiting Circuit Judge (sitting by designation in below referenced matter)
U.S. Court of Appeals for the Second Circuit
100 Federal Plaza
Central Islip, New York 11722

Re: **United States of America v. Kenner, Cr. No. 13-607 (JFB)**

Dear Judge Bianco,

We write on behalf of Danske Bank A/S London Branch (“Danske”) in response to the government’s December 13, 2021 letter (Dkt. No. 1135).

In its letter, the government opposes Danske’s request for a Main DOJ official to appear at a January 7 hearing if the government fails to obtain approval of the parties’ settlement by that date. Rather than explain how its ongoing delays square with its earlier representations or why Danske’s request is burdensome, the government once again resorts to insinuation and inaccurate statements.

The government argues that it is *Danske*, not the government, that is causing the delay. The government, again, has its facts wrong. Contrary to the government’s suggestion, the note sale agreement *is*, in fact, final and ready to be executed. Danske and Silverpeak intend to execute the note sale agreement contemporaneously with executing the settlement agreement. Diligence will begin only after execution of these agreements—this timing is intended to ensure that money spent on legal fees only after all other potential roadblocks are removed. Simply put, the government’s ongoing delays are the entire reason the parties cannot move forward—the sooner approval is obtained, the sooner the rest of the process can commence and conclude.

Danske again requests that, to the extent the settlement is not approved by early January, someone from Main DOJ appear at a hearing on or around January 7 to explain why.



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We thank the Court for its time and attention to this matter.

Respectfully,

/s/ George Kostolampros

George Kostolampros
Doreen S. Martin
Xochitl S. Strohhahn

cc: All parties of record via ECF